

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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NEDOLANDEZ LEONEL SANTOS, \*

#140 896

Plaintiff,

\*

v.

\*

2:09-CV-787-TMH

(WO)

OFFICER DANNY FLEMMING, *et al.*, \*

Defendants.

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**ORDER**

On October 8, 2009 Plaintiff filed a motion to dismiss complaint without prejudice.

On October 15, 2009 the undersigned entered a Recommendation that this matter be dismissed on Plaintiff's motion. On October 19, 2009 Plaintiff filed an amended complaint. Although the court received no objections to the Recommendation that this matter be dismissed on Plaintiff's motion for voluntary dismissal, the court nonetheless granted Plaintiff an opportunity to inform the court whether he desired to proceed in this matter on his amended complaint filed on October 19, 2009. Plaintiff filed his response on November 19, 2009. In his response Plaintiff indicates his desire to continue with the prosecution of the above-captioned action.

Accordingly, it is

ORDERED that the Recommendation of the Magistrate Judge entered on October 15, 2009 (*Doc. No. 21*) be and is hereby VACATED.

Done, this 23<sup>rd</sup> day of November 2009.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE